

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

JONATHAN MUNT, GLORIA J. HARMON,
and SANDRA M. WINGERS, individually,
and as Representatives of a Class of
Participants and Beneficiaries of the
WEC Energy Group Employee Retirement
Savings Plan,

Case No. 2:22-cv-00555-JPS

Plaintiffs,

Hon. J P Stadtmueller

v.

WEC ENERGY GROUP, INC., and
WISCONSIN ENERGY INVESTMENT TRUST
POLICY COMMITTEE,

Defendants.

**DEFENDANTS' MOTION TO FILE CONFIDENTIAL INFORMATION AND
DOCUMENTS AS RESTRICTED DOCUMENTS**

Pursuant to Gen. L.R. 79(d), Defendants WEC Energy Group, Inc. ("WEC") and the Wisconsin Energy Investment Trust Policy Committee ("ITPC") (collectively, "Defendants"), by and through their undersigned counsel, hereby request that certain information stated in Defendants' Civil L.R. 56(b)(3)(B) Response to Plaintiffs' Statement of Itemized Disputed Facts, as well as certain Exhibits attached to the Declaration of Megan Troy in connection with Defendants' Reply in Support of their Combined Motion to Dismiss and for Summary Judgment, be filed as Restricted Documents.

In support of this motion, Defendants state as follows:

1. On July 1, 2022, the Parties filed a Joint Motion for Entry of a Protective Order and Confidentiality Agreement. ECF No. 14.

2. On July 7, 2022, the Court granted the Parties' Motion for Protective Order and further provided instructions on motion practice involving the Parties seeking to have documents filed either as "restricted" or "sealed." ECF No. 16.

3. Defendants have produced documents and information that have been designated CONFIDENTIAL pursuant to the Protective Order and Confidentiality Agreement throughout the course of this litigation. This includes information that reveals sensitive commercial and financial information that Defendants, Fidelity (not a party to this action), and Robert W. Baird & Co. Inc. ("Baird") maintain as confidential.

4. Defendants request that the below information and documents be filed as restricted documents to maintain confidentiality:

Defendants' Civil L.R. 56(b)(3)(B) Response to Plaintiffs' Statement of Itemized Disputed Facts

- Defendants' Civil L.R. 56(b)(3)(B) Response to Plaintiffs' Statement of Itemized Disputed Facts contains references to information concerning: (1) Fidelity's recordkeeping services pricing and the structure of payment, which is sensitive commercial and financial information that Defendants and Fidelity maintain is confidential; and (2) recordkeeping services pricing and the structure of payment from other third party recordkeepers, which is sensitive commercial and financial information that Defendants and other third parties maintain is confidential.

Declaration of Megan Troy in connection with Defendants' Reply in Support of their Combined Motion to Dismiss and for Summary Judgment

- Exhibits B, 67, and 68 to the Declaration contain references to information concerning: (1) Fidelity's recordkeeping services pricing and the structure of payment, which is sensitive commercial and financial information that Defendants and Fidelity maintain is confidential; and (2) recordkeeping services pricing and the structure of payment from other third party recordkeepers, which is sensitive commercial and financial information that Defendants and other third parties maintain is confidential.

WHEREFORE, Defendants respectfully request that the unredacted versions of the Defendants' Civil L.R. 56(b)(3)(B) Response to Plaintiffs' Statement of Itemized Disputed Facts, and Exhibits B, 67, and 68 to the Declaration of Megan Troy in connection with Defendants' Reply in Support of their Combined Motion to Dismiss and for Summary Judgment be designated as Restricted Documents pursuant to Gen. L.R. 79 and this Court's procedures.

Dated: May 15, 2023

Respectfully submitted,

/s/Megan E. Troy

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Attorneys for Defendants

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on May 15, 2023, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Megan E. Troy
Megan E. Troy